

## REMARKS

### 1. Formal Matters

#### a. Status of the Claims

Claims 1-20 are pending in this application. Claims 1-20 are hereby cancelled without prejudice to pursuing these claims in a continuing application. Claim 21 is new. Upon entry of these amendments, claim 21 is pending and under active consideration. Applicants respectfully request entry of the amendments and remarks made herein into the file history of the present application.

#### b. Amendments to the Claims

New claim 21 recites a nucleic acid consisting of 18 to 120 nucleotides, support for which may be found throughout the application including claims 1-3 as originally filed. New claim 21 also recites that the sequence of the nucleic acid may comprise (a) at least 18 consecutive nucleotides of VGR3152, support for which may be found at claim 1 and the application as originally filed; (b) an RNA equivalent of (a), support for which may be found at claim 1 and the application as originally filed; (c) a sequence at least 34/58 identical to (a) or (b), support for which may be found at claim 1 as originally filed, and the application as originally filed which shows that VGR3152 encodes VGAM1930 (represented by SEQ ID NO: 1916), and at Table 1, lines 13408-13412 which shows that (i) the sequence of SEQ ID NO: 1916, of which the first half is a partial inverse of its second half as shown in Table 1, lines 13408-13412, is 58 nucleotides in length; and (ii) within the predicted hairpin formed by the nucleic acid of SEQ ID NO: 1916, 34 complementary nucleotides are paired; or (d) the complement of any one of (a)-(c), support for which may be found at claim 1 and the application as originally filed which shows that VGR3152 encodes VGAMS 1930 and 1931, and Table 1 lines 13408-13412 and 13415-13419 and the application as originally filed.

#### c. Election/Restrictions

##### Groups I-VII

At pages 3-6 of the Office Action, the Examiner requires restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-8, 11, 12 and 14 drawn to a bioinformatically detectable novel gene, a vector comprising said novel gene, a probe comprising said

- novel gene, and a vector inserter comprising said probe and a gene expression detector.
- II. Claims 9 and 10, drawn to a method of selectively inhibiting translation of at least one gene.
- III. Claim 13, drawn to a method of selectively detecting gene expression of at least one gene.
- IV. Claims 15-20, drawn to an anti-viral substance and method of anti-viral treatment capable of neutralizing RNA encoded by a bioinformatically detectable novel gene.

Applicant elects without traverse Group I, which now is considered claim 21, drawn to an isolated nucleic acid.

## **2. Conclusion**

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

POLSINELLI SHALTON WELTE SUELTHAUS PC

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